

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOSEPH DUNBAR,

Plaintiff,

v.

Case No. 15-11573
Honorable Denise Page Hood

DANIEL HEYNS, et al.,

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
AND DENYING MOTION FOR DEFAULT JUDGMENT [#57]**

This matter comes before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation [#67] dated October 6, 2017, in which he recommends denial of Plaintiff's Motion for Default Judgment. [#57]

Pro se Plaintiff filed this action pursuant to 42 U.S.C. § 1983 against Defendants Meier, Rozen, Upper, and Woldhuis, as well as other Defendants who have been dismissed. On August 31, 2017, Plaintiff filed a request for Clerk's entry of default and the Motion for Default judgment that is the subject of the Report and Recommendation. The Clerk of the Court denied Plaintiff's request for entry of default on September 1, 2017.

The Magistrate Judge recommends that the Court deny Plaintiff's Motion for Default Judgment because: (1) no entry of default has been made, an event that must

occur before default judgment is entered; and (2) the time for Defendants to respond had not expired. No objections to the Report and Recommendation have been filed.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

IT IS ORDERED that the Report and Recommendation [Dkt. No. 67, filed 10/6/17] is **ADOPTED** as the Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Default Judgment [Dkt. No. 57, filed 8/31/17] is **DENIED**.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: December 5, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 5, 2017, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager